

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05cr340

UNITED STATES OF AMERICA                  )  
    )  
    )  
vs.    )  
    )  
ELIJAH JUNIOR SIMMS                      )  
    )  
\_\_\_\_\_  
    )

O R D E R

**THIS MATTER** is before the Court on the defendant's pro se Motion to Suppress filed after he was sentenced. (Doc. No. 38). The Court previously denied his counsel's Motion to Suppress (Doc. No. 24) after an evidentiary hearing on February 10, 2006.

A motion to suppress must be made prior to trial. Fed. R. Crim. P. 12(b)(3)(C). Here, the defendant filed his motion after his trial, conviction, and sentencing. The Court previously considered the merits of the searches in question and found that the defendant's Fourth Amendment rights were not violated. Additionally, the defendant has not stated sufficient grounds for a new trial or appointment of new counsel.

**IT IS, THEREFORE, ORDERED**, that the defendant's pro se motion to suppress (Doc. No. 38) is DENIED.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney.

Signed: December 22, 2006

  
\_\_\_\_\_  
Robert J. Conrad, Jr.  
Chief United States District Judge  
